

## **DETAILED ACTION**

### **Current Status**

1. This action is responsive to Applicants' amendment of 29 February 2008.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-13 are pending in the application.
4. The 112 rejections have been withdrawn following applicants' amendment.
5. The obviousness-type double patenting rejection of claims 1-13 and the statutory type (35 U.S.C. 101) double patenting rejection of claims 4, 8 and 10 have been withdrawn because Applicants have abandoned copending application No. 11/298,641.

**This application is a 371 of PCT/EP04/05930 06/02/2004.**

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Miller on 4/2/2008 and 4/11/2008.

The Application has been amended as follows:

In claim 7, line 1, delete "in which R<sup>1</sup>," and insert -- in which G, R<sup>1</sup>, --.

In claim 1, line 1, delete "Compounds," and insert -- A compound --.

In claim 2, line 1, delete "Compounds," and insert -- The compound --.

In claim 3, line 1, delete "Compounds," and insert -- The compound --.

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In claim 4, line 1, delete "Compounds," and insert – The compound --.

In claim 7, line 1, delete "Compounds," and insert – The compound --.

In claim 8, line 1, delete "Compounds," and insert – The compound --.

In claim 9, line 1, delete "Compounds," and insert – A compound --.

In claim 10, line 1, delete "Compounds," and insert – The compound --.

In claim 11, line 1, delete "Transition metal complexes," and insert – A transition metal complex --.

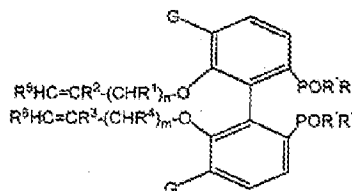
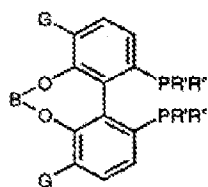
In claim 12, line 1, delete "Catalyst comprising transition metal complexes," and insert – A catalyst comprising transition metal complex --.

### Allowed Claims

Claims 1-13 are allowable over the prior art of record.

### Reason For Allowance

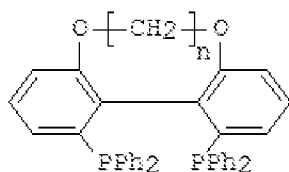
The following is an examiner's statement of reasons for allowance: A search of the prior art failed to uncover any reference that anticipates or renders obvious the compounds of the general formula 1, the process of making the same, their transition metal catalyst complexes and a process for the asymmetrical hydrogenation, the compounds of the general formula 2, the process of making the same as claimed by applicants; wherein all the variables are as defined in the claims.



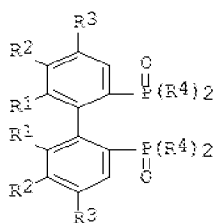
Formula 1

Formula 2

The closest prior arts are Zhang, {US 6,521,769} and Kienzle et al., {US 6,288,280}. Zhang teaches a compound of the general formula 3 while Kienzle et al. teach a compound of the general formula 4; wherein the variables are defined in the specification.



Formula 3



Formula 4

Zhang and Kienzle et al. compounds of the general formulas 3 and 4 differ from the instantly claimed compounds of the general formulas 1 and 2 in that applicants claim compounds substituted with C=C (alkenyl group) while the prior art references teach compounds substituted with C-C (alkyl group). These compounds are different from each other, and the difference is not readily apparent and would not have been suggested to one of ordinary skill.

**Claims 1-13 are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/YVONNE L. EYLER/  
Supervisory Patent Examiner, Art Unit 1621

/Chukwuma O. Nwaonicha/  
Examiner, Art Unit 1621